

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAORGANIZATION FOR THE
ADVANCEMENT OF MINORITIES
WITH DISABILITIES, et al.,

Plaintiff(s),

No. C 04-3388 PJH

v.

ORDERRAMADA LIMITED--DOWNTOWN--
270 7TH STREET, SAN FRANCISCO,
CALIFORNIA 94103, et al.,

Defendant(s).

Before the court is a request by plaintiff to be permitted to attend today's case management conference telephonically. As the court cannot accommodate a telephonic appearance by one party, the request is DENIED. However, in view of the injury suffered by plaintiffs' counsel, the case management conference is CONTINUED to November 17, 2005, at 2:30 p.m. Given plaintiff's counsel failure to appear in a timely fashion at the first case management conference, this will be the final continuance permitted.

The court is further concerned about the way this case is being litigated by plaintiffs. The parties were clearly ordered to file a joint case management statement, but instead filed separate statements. Defense counsel represents that she attempted to meet and confer with plaintiffs' counsel to accomplish this end, but received no response. Plaintiffs' case management statement contains no explanation at all concerning why it was not jointly prepared.

The court is particularly concerned given the prior orders that an amended complaint be filed, that all previously named defendants who were not named in the amended complaint would be dismissed, and that all defendants must be served within ten days of the filing of the

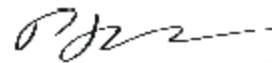
1 amended complaint. The docket reflects that no dismissals have been filed. The first
2 amended complaint ("FAC"), entitled by plaintiffs' the First Civil Complaint, names three
3 defendants—Ramada Limited, Shantaben Patel and Icharambhai Patel. An answer was filed
4 by Shantaben Patel and Icharambhai Patel. No answer was filed by Ramada Limited nor
5 does the docket reflect that it has been served. Although the FAC names only these three
6 defendants, for some reason plaintiffs' case management statement continues to list other
7 defendants who were previously named in the now superceded original complaint.

8 Accordingly, the court orders as follows:

9 The parties shall meet and confer and prepare a **joint** case management statement
10 which shall address the court's concerns set forth above and which must be filed no later than
11 November 10, 2005. A failure to participate in the joint preparation shall result in monetary
12 sanctions. Additionally, again, all defendants must be served by November 11, 2005 or they
13 will be dismissed.

14 **IT IS SO ORDERED.**

15 Dated: October 27, 2005



16 PHYLLIS J. HAMILTON
17 United States District Judge
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